

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Chapter 11
	§	
FIELDWOOD ENERGY LLC, et al.,	§	Case No. 20-33948 (MI)
	§	
Debtors.	§	(Jointly Administered)

**STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 8009**

Appellants, Liberty Mutual Insurance Company (“Liberty”), Travelers Casualty & Surety Company of America (“Travelers”), and XL Specialty Insurance Company (“XL”) (collectively the “Sureties”),¹ by and through their undersigned counsel, file this their *Statement of Issues of Designation of Record on Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8009*. The Sureties have timely filed a Notice of Appeal to the United States District Court for the Southern District of Texas challenging the *Findings of Fact, Conclusions of Law, and Order Confirming Eighth Amended Joint Chapter 11 Plan of Fieldwood Energy LLC and its Affiliated Debtors* [Dkt. No. 1751], entered by the Honorable Marvin J. Isgur on June 25, 2021, (the “Confirmation Order”).

Statement of Issues Presented on Appeal

1. Whether the bankruptcy court erred in entering the Confirmation Order, including but not limited to, whether the bankruptcy court awarded relief and/or impacted rights (i) not authorized by the Bankruptcy Code, or (ii) outside of the court’s jurisdiction?

2. Whether the bankruptcy court erred in eliminating, impairing, and/or altering any rights or obligations of the Sureties, including, but not limited to, rights of subrogation,

¹ The Hanover Insurance Company previously filed a Notice of Appeal as well with the Sureties [Dkt. 1847]. On July 23, 2021, Hanover filed a Notice of Withdrawal of its Appeal in Cause No. 4:21-cv-02243. Therefore, Hanover is not a party any longer to the appeal and does not file this Statement of Issues.

contribution, reimbursement, exoneration and/or common law indemnity with respect to any of the post-confirmation entities pursuant to 11 U.S.C. §§ 363 or 365 or otherwise?

3. Whether the bankruptcy court erred in (1) permitting the Debtors to avoid environmental responsibilities otherwise required by law, including but not limited to, *Midlantic Nat. Bank v. N.J. Dept. of Env'tl. Prot.*, 474 U.S. 494, 502, 106 S.Ct. 755, 88 L.Ed.2d 859 (1986), the Code of Federal Regulations, 11 U.S.C. §§ 554, and the law of suretyship; and/or (2) determining that the Sureties did not have standing to raise a challenge to abandonment of property under *Midlantic*, 11 U.S.C. §§ 554, and/or other applicable law.

Designation of Record on Appeal

The Sureties designate the following items for inclusion in the record on appeal. Unless otherwise noted, each designated item shall also include any and all exhibits to such item.

Docket No.	Date	Description
29	08/04/2020	Declaration re: Declaration of Michael Dane in Support of Debtors' Chapter 11 Petitions and First Day Relief Filed by Fieldwood Energy LLC
722	01/01/2021	Chapter 11 Plan of Reorganization Filed by Fieldwood Energy LLC
723	01/01/2021	Disclosure Statement Filed by Fieldwood Energy LLC
1020	03/15/2021	Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1040	03/16/2021	Objection to Disclosure Statement and/or Chapter 11 Plan Filed by Liberty Mutual Insurance Company, the Hanover Insurance Company, Travelers Casualty and Surety Company of America, XL Specialty Insurance Co.
1098	03/23/2021	Second Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1115	03/24/2021	Third Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1252	04/09/2021	Fourth Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1284	04/15/2021	Fourth Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1285	04/15/2021	Amended Disclosure Statement Filed by Fieldwood Energy LLC

Docket No.	Date	Description
1394	05/27/2021	Notice of Filing of Plan Supplement in Connection With Fourth Amended Joint Chapter 11 Plan of Field Wood Energy LLC and its Affiliated Debtors Filed by Fieldwood Energy LLC
1427	06/01/2021	Objection to Confirmation of Plan Filed by Liberty Mutual Insurance Company, the Hanover Insurance Company, Travelers Casualty and Surety Company of America, XL Specialty Insurance Co.
1435	06/02/2021	Objection to Confirmation of Plan Filed by North American Specialty Insurance Company
1436	06/02/2021	Objection to Confirmation of Plan Filed by Lexon Insurance Company, Ironshore Indemnity Inc., and Ironshore Specialty Insurance Company
1461	06/02/2021	Objection to Confirmation of Plan Filed by Aspen American Insurance Company, Berkley Insurance Company, Everest Insurance Company, and Sirius America Insurance Company
1629	06/16/2021	Fifth Amended Chapter 11 Filed by Fieldwood Energy LLC
1664	06/20/2021	Supplemental Objection of Plan Filed by Aspen American Insurance Company, Berkley Insurance Company, Everest Insurance Company and Sirius America Insurance Company
1696	06/22/2021	Sixth Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1716	06/24/2021	Seventh Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1731	06/25/2021	Eighth Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1742	06/25/2021	Eighth Amended Chapter 11 Plan Filed by Fieldwood Energy LLC
1748	06/25/2021	Transcript of Confirmation Hearing from June 21, 2021 through June 25, 2021 before Judge Marvin P. Isgur. Court Reporter/Transcriber: Veritext Legal Solutions Filed by Lexon Insurance Company and Endurance American Insurance Company; attached hereto as Exhibit "A"
1751	06/25/2021	Findings of Fact, Conclusion of Law, and Order (I) Confirming Eighth Amended Joint Chapter 11 Plan of Fieldwood Energy LLC and Its Affiliated Debtors and (II) Granting Related Relief
1782	07/01/2021	Notice of Appeal Filed by North American Specialty Insurance Company
1785	07/01/2021	Notice of Appeal Filed by Lexon Insurance Company, Ironshore Indemnity Inc., and Ironshore Specialty Insurance Company

Docket No.	Date	Description
1791	07/02/2021	Notice of Appeal Filed by Aspen American Insurance Company, Berkley Insurance Company, Everest Insurance Company and Sirius America Insurance Company
1796	07/02/2021	Motion to Stay Pending Appeal Filed by Aspen American Insurance Company, Berkley Insurance Company, Everest Insurance Company and Sirius America Insurance Company
1801	07/05/2021	Response Joinder of Lexon Insurance Company, Ironshore Indemnity Inc. and Ironshore Specialty Insurance Company to the Emergency Motion of Aspen American Insurance Company, Berkley Insurance Company and Sirius America Insurance Company for a Stay, Pursuant to Bankruptcy Rule 8007, of the Order Confirming Eighth Amended Joint Chapter 11 Plan of Fieldwood Energy LLC and its Affiliated Debtors, or in the Alternative, for an Order Amending the Confirmation Order, Pursuant to Bankruptcy Rule 9023 (Motion To Stay Pending Appeal) Filed by Lexon Insurance Company, Ironshore Indemnity Inc., and Ironshore Specialty Insurance Company
1802	07/05/2021	Response Joinder of North American Specialty Insurance Company in the Emergency Motion of Aspen American Insurance Company, Berkley Insurance Company and Sirius Insurance Company for A Stay, Pursuant to Bankruptcy Rule 8007, of the Order Confirming Eighth Amended Joint Chapter 11 Plan of Fieldwood Energy LLC and its Affiliated Debtors, or in the Alternative for an Order Amending the Confirmation Order Pursuant to Rule 9023 and Joinder in the Grounds set for in the Joinder of Lexon Insurance Company, Ironshore Indemnity Inc. and Ironshore Specialty Insurance Company in That Motion (Motion To Stay Pending Appeal) Filed by North American Specialty Insurance Company
1817	07/07/2021	Clerk's Notice of Filing of an Appeal. On 7/1/2021, North American Specialty Insurance Company filed a notice of appeal. The appeal has been assigned to U.S. District Judge George Hanks, Civil Action 4:21-cv-2201.
1818	07/07/2021	Clerk's Notice of Filing of an Appeal. On 7/1/2021, Lexon Insurance Company filed a notice of appeal. The appeal has been assigned to U.S. District Judge George Hanks, Civil Action 4:21-cv-2202.

Docket No.	Date	Description
1823	07/07/2021	Order Denying Emergency Motion of Aspen American Insurance Company, Berkeley Insurance Company and Sirius America Insurance Company for a Stay, Pursuant to Bankruptcy Rule 8007, of the Order Confirming Eighth Amended Joint Chapter 11 Plan of Fieldwood Energy LLC and its Affiliated Debtors, or in the Alternative, for an Order Amending the Confirmation Order, Pursuant to Bankruptcy Rule 9023
1846	07/09/2021	Transcript of Motion Hearing; July 6, 2021 before Judge Marvin P. Isgur. Court Reporter/Transcriber: Judicial Transcribers of Texas Filed by Lexon Insurance Company, Ironshore Indemnity Inc., and Ironshore Specialty Insurance Company; attached hereto as Exhibit "B"
1847	07/09/2021	Notice of Appeal Filed by Liberty Mutual Insurance Company, the Hanover Insurance Company, Travelers Casualty and Surety Company of America, XL Specialty Insurance Co.
1869	07/12/2021	Clerk's Notice of Filing of an Appeal. On 7/9/2021, Liberty Mutual Insurance Company, the Hanover Insurance Company, Travelers Casualty and Surety Company of America, XL Specialty Insurance Co. filed a notice of appeal. The appeal has been assigned to U.S. District Judge George Hanks, Civil Action 4:21-cv-2243.
	06/24/2021	Demonstrative Exhibit of emails by and between Brandon Bains, Carlson Clifford, and Emma Wheeler, setting forth agreed language between debtors and sureties shown in Zoom recording of confirmation hearing attached hereto as Exhibit "C"

Proof of Claims

Claim No.	Date	Debtor Name	Claim Value
466	11/20/2020	Liberty Mutual Insurance Company	Unknown
502	11/20/2020	Liberty Mutual Insurance Company	\$69,393,178
450	11/23/2020	Travelers Casualty and Surety Company of America	Unknown
534	11/23/2020	Travelers Casualty and Surety Company of America	Unknown
503	11/20/2020	XL Specialty Insurance Company	\$45,000,000
521	11/20/2020	XL Specialty Insurance Company	\$45,000,000

Dated: July 23, 2021

Respectfully submitted,

LANGLEY LLP

/s/ Brandon K. Bains

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**ATTORNEYS FOR LIBERTY MUTUAL
INSURANCE COMPANY, TRAVELERS
CASUALTY & SURETY COMPANY OF
AMERICA, AND XL SPECIALTY
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all parties receiving electronic notification in this case from the Court ECF system on this the 23rd of July 2021.

/s/ Brandon K. Bains

Brandon K. Bains